IN THE HIGH COURT OF JUDICATURE AT BOMBAY.

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1856 OF 2005

IN

CRIMINAL APPEAL NO. 300 OF 2005

Shrimant Murlidhar Shirgire & Ors. ..Applicants

V/s

The State of Maharashtra ..Respondent

Mr. V.V. Purwant for applicants

Shri A.M. Shingarpure, APP for the State.

Coram : V.M.Kanade,J.

Dated: 08/04/2005.

P.C. :-

1 I have heard the learned counsel for the applicants and APP for the State.

2 The applicant is convicted for an offence punishable under sections 436 and 143 of the Indian Penal Code and is sentenced to suffer R.I. for one month and 4 years.

3 The prosecution case is that there was a quarrel between complainant and original accused Nos.1 to 5. On the date of incident, the accused No.2 assaulted the complainant and his son and thereafter he run away . Late in the night between 2.30 a.m. to 3.00 a.m. the accused

No.1 set the complainant's house on fire. It is alleged that the accused No.2 to 4 were present along with the accused No.1 at the time of incident.

3 From the evidence of P.W.1 and 3 it is seen that both the witnesses have stated that the accused No.1 set the house of the complainant on fire as a result of which it was completely burnt. However, there is no evidence to indicate that other applicants shared the object of the accused No.1. They were on bail during the trial. The applicants No.2 to 5 be released on bail in a sum of Rs.5000/- each with one or two sureties in like amount.

4 Liberty is granted to the applicants to apply for bail again after six months if the appeal is not filed.The applicants are also granted liberty to apply for fixed date of hearing.

(V.M. Kanade,J.)